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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,187	02/14/2001	Tetsuro Motoyama	194543US-2	9855
22850	7590	07/26/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ISMAIL, SHAWKI SAIF	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,187

Applicant(s)

MOTOYAMA ET AL.

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. This communication is responsive to the amendment received on April 26, 2006.
Claims 1, 13, 21, 25 and 33 have been amended.
Claims 1-36 are pending.

New Ground(s) of Rejection

2. Applicant's amendment and arguments received on April 26, 2006 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC §102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13-19 and 25-31 are rejected under 35 U.S.C. 102(b) as being anticipated by **Aikens et al. U.S. Patent No. 5,414,494** (hereinafter referred to as Aikens).

5. As to claims 13 and 25 Aikens teaches a computer-implemented method for collecting information from a target software application residing in a device unit, the method comprising the steps of:

Obtaining, from the target software application through a software interface, by a monitoring software device residing in the device unit and having a plurality of monitoring components, information regarding execution of the target software application, wherein the

plurality of monitoring components includes an event logger (col. 4, lines 51-64 and col. 5, lines 50-67, various sensors and detectors monitor applications on the printing device and data from the monitoring is recorded and stored in the event logger file or the crash logger file);

processing instruction sent from the target software application by the monitoring software device, wherein the instructions include sending event data to a remote site and storing event data in a local disk wherein the processing step includes the steps of accessing a shared system resource and executing a plurality of instructions included in the system resource (col. 5, lines 50-67, data for diagnostics, machine monitoring, or machine usage are stored on file in the printing device for transmission to a remote location);

Wherein the device unit is one an image printing device and an appliance (refer to Fig. 2).

6. As to claims 14 and 26, Aikens teaches the system according to claim 13 and 25, respectively, wherein the at least one system resource component includes at least one of a system clock, persistent system information storage, electronic mail transfer code and file transfer code (col. 4, lines 51-64, persistently storing event data).

7. As to claims 15 and 27, Aikens teaches the system according to claim 13 and 25, respectively, wherein at least one of the plurality of monitoring components accesses the system resource using a system resource interface (col. 5, lines 50-67).

8. As to claims 16 and 28, Aikens teaches the system according to claim 13 and 25, respectively, wherein the target application includes one of a software program being executed on a computer or workstation under control of a user, a software program driving a control panel of a business device, a software program driving a control panel of an appliance, software generating data regarding state changes within a device, and software generating data regarding

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state changes within an appliance (col. 4, lines 51-64, monitoring element monitors changes in machine operating conditions to detect any changes or failures in the operating states of the machine).

9. As to claims 17 and 29, Aikens teaches the system according to claims 13 and 25, respectively, wherein the information regarding execution of a target application includes at least one of a user identification, an application identification, a cumulative session number, a value of a starting time, a value of a duration and an indication of a sequence of events with a corresponding elapsed time for each one of the events (refer to Fig. 9 and col. 10, lines 11-18).

10. As to claims 18 and 30, they do not further teach or define any new limitation above claims 14 and 17, and 26, and 29, respectively; therefore they are rejected for similar reasons.

11. As to claims 19 and 31, Aikens teaches the system according to claims 13 and 25, respectively, wherein the monitoring device having a plurality of monitoring components includes an event logger and wherein the at least one system resource component includes a system clock, wherein the event logger accesses the system clock at least for recording a time of starting a monitoring session (col. 6, lines 15-32).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 20-24, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aikens et al. U.S. Patent No. 5,414,494** (hereinafter referred to as Aikens) and in view of **Kremen et al. U.S. Patent No. 5,706,434** (hereinafter referred to as Kremen).

14. As to claim 20-24 and 32-36, Aikens teaches the claimed invention as described above. However Aikens does not explicitly teach wherein the transmitting device transmits formatted data according to a requested data format or a requested communication protocol.

Kremen teaches a method and apparatus to accomplish creation and serving of data objects. Kremen teaches a formatting of data received by a processor into a format that is recognizable by the end user and formats the data for outgoing transmission according to a protocol of an intended recipient (Abstract, col. 5, lines 20-59 and col. 7, lines 48-67.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Aikens and Kremen to incorporate a data formatter in order to offer diverse clients with different or varying capabilities to communicate and amongst each other (col. 2 line, 61 – col. 3, line12.).

15. Claim 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aikens et al. U.S. Patent No. 5,414,494** (hereinafter referred to as Aikens) and in view of **Fontana et al. U.S. Patent No. 6,237,143** (hereinafter referred to as Fontana).

16. As to claim 1 Aikens teaches the claimed invention as described above with reference to claim 13. However, Aikens does not explicitly teach wherein a target application interface is configured to receive a plurality of monitoring requests from the target application for processing by the monitoring device.

Fontana teaches a method and system for monitoring and capturing file usage of a software tool. Fontana teaches a start monitoring request issued by the tool wrapper 30 to direct the file filter software to start monitoring the input/output operations performed by the tool 17. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Fontana into the invention of Aikens to be able to start and stop monitoring system usage of an application at the request of the application in order to accurately monitor the overall system.

17. As to claim 2, Aikens teaches the system according to claim 1, wherein the at least one system resource component includes at least one of a system clock, persistent system information storage, electronic mail transfer code and file transfer code (col. 4, lines 51-64, persistently storing event data).

18. As to claim 3 Aikens teaches the system according to claim 1, wherein at least one of the plurality of monitoring components accesses the system resource using a system resource interface (col. 5, lines 50-67).

19. As to claim 4, Aikens teaches the system according to claim 1, wherein the target application includes one of a software program being executed on a computer or workstation under control of a user, a software program driving a control panel of a business device, a software program driving a control panel of an appliance, software generating data regarding state changes within a device, and software generating data regarding state changes within an appliance (col. 4, lines 51-64, monitoring element monitors changes in machine operating conditions to detect any changes or failures in the operating states of the machine).

20. As to claim 5, Aikens teaches the system according to claim 1, wherein the information regarding execution of a target application includes at least one of a user identification, an application identification, a cumulative session number, a value of a starting time, a value of a duration and an indication of a sequence of events with a corresponding elapsed time for each one of the events (refer to Fig. 9 and col. 10, lines 11-18).

21. As to claim 6 it does not further teach or define any new limitation above claims 2 and 5, therefore it is rejected for similar reasons.

22. As to claim 7, Aikens teaches the system according to claim 1, wherein the monitoring device having a plurality of monitoring components includes an event logger and wherein the at least one system resource component includes a system clock, wherein the event logger accesses the system clock at least for recording a time of starting a monitoring session (col. 6, lines 15-32).

23. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aikens et al.** U.S. Patent No. 5,414,494 (hereinafter referred to as Aikens) and in view of **Fontana et al.** U.S. Patent No. 6,237,143 (hereinafter referred to as Fontana) and further in view of **Kremen et al.** U.S. Patent No. 5,706,434 (hereinafter referred to as Kremen).

24. As to claim 8-12 Aikens teaches the claimed invention as described above. However Aikens does not explicitly teach wherein the transmitting device transmits formatted data according to a requested data format or a requested communication protocol.

Kremen teaches a method and apparatus to accomplish creation and serving of

data objects. Kremen teaches a formatting of data received by a processor into a format that is recognizable by the end user and formats the data for outgoing transmission according to a protocol of an intended recipient (Abstract, col. 5, lines 20-59 and col. 7, lines 48-67.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Aikens, Fontana and Kremen to incorporate a data formatter in order to offer diverse clients with different or varying capabilities to communicate and amongst each other (col. 2 line, 61 – col. 3, line12.)

Response to Arguments

25. Applicants' arguments with respect to claims 1-36 filed on April 26, 2006 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
July 20, 2006



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER